

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

UNITED STATES OF AMERICA,

and

COMMONWEALTH OF PENNSYLVANIA

Plaintiffs,

v.

Civil Action No. 10-412-JD

SCHWAB FAMILY PARTNERSHIP (f/k/a
FRANKLIN SMELTING & REFINING CO.);
FRANKLIN SMELTING & REFINING CORP.;
FRANCOS REALTY, INC.;
MDC INDUSTRIES, INC.;
ALBERT SCHWAB;
MICHAEL SALTZBURG;
BETTY SALTZBURG;
BETTY SALTZBURG, as EXECUTRIX of the
ESTATE OF DAVID SALTZBURG;
SUSAN SALTZBURG;
ROGER SCHWAB;
ANN SCHWAB BROWN,
Defendants.

NOTICE OF LODGING OF CONSENT DECREE

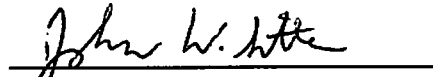
Plaintiff, the United States of America, is hereby lodging with the Court a proposed Consent Decree that will resolve the liability of all Defendants for all claims in this action under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9607(a), and the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. § 6020, for costs of past and future response actions in connection with the release of hazardous substances

at the Franklin Smelting Site and the Franklin Slag Site in Philadelphia, Pennsylvania.

The United States requests that the Court not sign the proposed Consent Decree at this time. Pursuant to Department of Justice regulations codified at 28 C.F.R. § 50.7, the United States is required to publish a notice in the *Federal Register* that the proposed Consent Decree has been lodged with the Court. The notice will solicit public comment for a period of thirty (30) days. Similarly, a 60-day comment period is required under Pennsylvania law for settlements under HSCA. During these public comment periods, no action is required by the Court. After the close of the comment periods, Plaintiffs will evaluate any comments received and will request the Court to take appropriate action regarding the Consent Decree.

Respectfully submitted,

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Environment and Natural Resources Division
U.S. Department of Justice



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CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true and correct copy of the foregoing notice of lodging of consent decree to be served by first class mail, postage prepaid, upon the following:

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Susan R. Becker /vrf
SUSAN R. BECKER
Assistant United States Attorney

Dated: 8/30/11